

REMARKS/ARGUMENTS

Status of Claims

Claims 1, 4, 8, 12, 13, 15 and 16 are pending.

Claims 1, 4 and 8 are allowed.

Claims 12, 13, 15 and 16 are rejected.

Claim Amendment(s)

In order to expedite the allowance of claims 1, 4, and 8 Applicants have canceled claims 12 and 16 and amended claim 13, without prejudice.

Claim 13 has been amended to recite:

An expression vector comprising a polynucleotide sequence which encodes a polypeptide according to Claim 1.

Therefore, the expression vector claim is now dependent from a claim which the examiner has determined recites allowable subject matter. It should be noted that because Claim 13 is the base claim for Claim 15, this amendment also changes the scope of claim 15. As a result of the amendment of claim 13, claim 15 now recites a recombinant host cell transfected with a vector that comprises a polynucleotide sequence which encodes a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO: 3 which functions as a receptor for motilin

No new matter has been added by virtue of this amendment.

The Rejection of Claims 12-13 and 15 Under 35 U.S.C. §112, Second Paragraphs should be Withdrawn

Claims 12-13 and 15 are rejected under 35 USC, §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which Applicants regard as the invention.

The cancellation of claim 12 partially obviates the outstanding rejection under 35 USC §112, second paragraph. The Amendment of claim 13 to recite “an expression vector comprising a polynucleotide sequence which encodes a polypeptide according to Claim 1”, overcomes the rejection of claims 13 and 15 “for depending on an indefinite base claim.”

Based on the claim amendments and cancellation of claim 12 discussed above, Applicants respectfully request reconsideration and withdrawal of the outstanding indefinites rejection.

The Rejection of Claims 12- 13 and 15 Under 35 U.S.C. §102 should be Withdrawn

Claims 12-13 and 15 are rejected under 35 USC §102(a) as being anticipated by McKee, K *et al.* (Genomics, 46:426-434 (1997) (cited in IDS). The rejection under 35 U.S.C. §102 was recast in view of the claim amendments submitted by Applicant

This rejection has been partially obviated by Applicants' cancellation of claim 12.

The Amendment of claim 13 to recite an expression vector comprising a polynucleotide sequence which encodes a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO: 3 which functions as a receptor for motilin, overcomes the rejection of claims 13 and 15. As amended the claimed expression vectors comprise a polynucleotide sequence which encodes a polypeptide consisting of the amino acid sequence set forth in SEQ ID NO: 3 wherein the polypeptide functions as a receptor for motilin. The rejection of Claim 15 has been overcome by virtue of its dependency from Claim 13.

Based on the cancellation of claim 12 and the amendments discussed above, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under 35 USC §102(a).

The Rejection of Claim 16 Under 35 U.S.C. §102(b) should be Withdrawn

Claim 16 is rejected under 35 U.S.C. §102(b) as being anticipated by Harigaya *et al.* (Harigaya et al, *PNAS*, Vol. 82, pp. 3477-3480, May 1985).

The cancellation of Claim 16 obviates this rejection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection under 35 USC §102(b).

Conclusion

In summary, Applicant have cancelled Claims 12 and 16, and amended Claims 13. In view of the above-described amendments and remarks, Applicants are of the opinion that Claims 1, 4, 8, 13, and 15 are in condition for allowance. In view of these amendments and the Examiner's findings Applicants respectfully request that the pending claims be allowed.

Respectfully submitted,

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